

# Suggested Procedural Rules

## Part I. Applicability

### Rule 1. Applicability of Rules

These rules apply to all meetings of the [name of city/county] Board of \_\_\_\_\_. For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, either in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

## Part II. Quorum

### Rule 2. Quorum

The presence of a quorum is necessary for the board to conduct business. A quorum consists of a majority of the board's actual membership [excluding vacant seats]. [A member who withdraws from a meeting of the board without being excused by majority vote of the remaining members present shall be counted as present for quorum purposes.]

## Part III. Open Meetings

### Rule 3. Electronic Board Meetings

(a) *General Provisions.* No member who is not physically present may participate in a meeting of the board by electronic means except in accordance with this rule. [Describe circumstances in which members may attend meetings electronically and set out any limitations on such a member's ability to participate in the conduct of business.].

(b) *Electronic Meetings During a State of Emergency Declared by the Governor or General Assembly.* During any state of emergency declared by the Governor or General Assembly pursuant to G.S. 166A-19.20, a meeting of the board shall comply with the requirements of this paragraph if (1) the board falls within the emergency area and (2) at least one board member attends the meeting by conference call, conference video, or other electronic means.

- (1) *Notice.* The public notice for any regular, special, emergency, or recessed meeting that is subject to this paragraph shall specify how the public can access the electronic meeting in real time.
- (2) *Member Identification.* Each member who attends by electronic means shall identify himself or herself in each of the following situations:
  - a. a. when roll is taken or the meeting begins;
  - b. b. before taking part in deliberations, including making any motions, proposing any amendments, or raising any points of order; and
  - c. c. before voting.
- (3) *Meeting Materials.* All documents considered during the meeting shall be furnished to each board member.

- (4) *Method of Electronic Participation.* Any member who attends electronically shall use a means of communication that enables the member
  - a. a. to hear what is said by other board members and any person who addresses the board and
  - b. b. to be heard by other board members.
- (5) *Quorum.* A member who attends by electronic means counts as present for quorum purposes, but only while the board maintains electronic communication with that member.
- (6) *Voting.* The board shall conduct all votes by roll call. It may not vote by secret or written ballots. The votes of any member who attends by electronic means shall be counted as if the member were physically present, but only while the board maintains electronic communication with that member.
- (6) *Acting by Reference.* The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that persons in attendance can understand what is being deliberated or acted upon.
- (7) *Minutes.* The minutes shall indicate that the meeting was conducted by electronic means, which members took part electronically, and when such members joined or left the electronic meeting.
- (8) *Live Streaming.* The meeting shall be streamed live online so that live audio (and video, if any) are available to the public. If the board meets by conference call, the public shall have an opportunity to dial in or stream the audio live and listen to the electronic meeting.
- (9) *Public Hearings.* Although it may conduct any public hearing mandated or permitted by law, the board shall allow the public to submit written comments on the hearing's subject matter between the publication of any required notice and twenty-four hours after the hearing.

#### **Rule 4. Meetings to Be Open to the Public**

Except as permitted by Rule 5, all meetings of the board shall be open to the public, and any person may attend its meetings.

#### **Rule 5. Closed Sessions**

- (a) *Bases for Closed Session.* The board may enter a closed session from which the public is excluded on any of the grounds listed in G.S. 143-318.11(a).
- (b) *Motion to Enter Closed Session.* The board may hold a closed session only upon a motion duly made and adopted in open session. The motion to enter closed session shall cite one or more of the permissible bases listed in G.S. 143-318.11(a) for closed sessions. For a closed session held under G.S. 143-318.11(a)(1) (prevent disclosure of privileged or confidential information or information not considered public record), the motion shall name or cite the law that renders the information confidential or privileged. For a closed session called pursuant to G.S. 143-318.11(a)(3) (attorney consultation and preservation of attorney-client privilege), the motion shall name the parties to any pending lawsuit that the board's attorney plans to discuss in the closed session.
- (c) *Closed-Session Participants.* Aside from the board members themselves, only those individuals invited by the board may participate in a closed session. The board will invite only those individuals whose presence is reasonably necessary to aid the board in its closed-session deliberations.
- (d) *Motion to Return to Open Session.* Upon completing its closed-session business, the board shall return to open session.

#### **Rule 6. Meeting Minutes**

- (a) *Minutes Required for All Meetings.* The board shall keep full and accurate minutes of its meetings, including any closed sessions. To be "full and accurate," the minutes must record all actions taken by the

board, as well as the board's compliance with any applicable procedural requirements. The minutes should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record board member discussions, though the board in its discretion may decide to incorporate such details into the minutes.

(b) Record of "Ayes" and "Noes." At the request of any member, the minutes shall indicate how each member voted by name on a particular matter.

(c) General Accounts of Closed Sessions. In addition to minutes, the board shall keep a general account of each closed session. The general account shall be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) Sealing Closed-Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the board or in accordance with instructions adopted by competent authority. The sealed minutes and general account of any closed session may be withheld from public inspection, so long as public inspection would frustrate the purpose(s) of the closed session.

## **Rule 7. Broadcasting and Recording Meetings**

(a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a board meeting.

(b) Advance Notice. Any radio or television station that plans to broadcast any portion of a board meeting shall so notify [\_\_\_\_\_] no later than [twenty-four hours] before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a board meeting.

(c) Equipment Placement. The board chair or an appropriate staff member may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the board chair or staff member determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the chair or staff member may require the pooling of the equipment and the personnel operating it.

(d) Alternative Meeting Site. If the news media request an alternative meeting site to accommodate news coverage, and the board grants the request, the news media making the request shall pay the costs incurred by the local government unit in securing an alternative meeting site.

## **Part IV. Organization of the Board**

### **Rule 8. Organizational Meeting[; Selection of Chair] [and Vice Chair]**

On the date and at the time of [the first regular meeting] in [July], all newly appointed and reappointed members of the board shall take and subscribe the oath of office as the first order of new business. [As the second order of new business, the board shall elect a chair [and vice chair].]

#### **Organizational Meeting Business**

Two important things happen at most organizational meetings: (1) new members and reappointed members take and subscribe the oath of office, and (2) the board selects the presiding officer, unless the

presiding officer is selected in another way, such as by the city council or board of county commissioners. If the board has a vice chair, he or she should be designated at the organizational meeting, again unless another selection method is employed.

*Oath of Office.* Article VI, Section 7 of the North Carolina Constitution requires anyone elected or appointed to public office in this state to take and subscribe—that is, swear (or affirm) and sign—the oath prescribed therein before entering upon the duties of the office. This requirement is echoed in statutes mandating that everyone elected or appointed to city or county office take the oath. Other statutes impose oath requirements on persons appointed to specific local government boards.

General Statute 11-7 sets out an oath of office that all state and local elected and appointed officials must take and subscribe before they enter into or take up the duties of their offices. That oath substantially resembles the oath in Article VI, Section 7, and decisions from the North Carolina Supreme Court and the North Carolina Court of Appeals imply that taking either oath is equivalent to taking the other.

General Statute 11-11 prescribes additional oaths for designated local government officials. The statute also has a general oath for county officers not covered by its position-specific provisions, a category that encompasses anyone appointed to a county board if a seat on that board constitutes a public office. There is no subscription requirement in G.S. 11-11, so an individual does not have to sign any oath taken under that statute.

Other statutes contain wording requirements for the oaths taken by appointees to certain local government boards.

The state constitution does not explain what constitutes a public office. While elected board members clearly hold public offices, the courts have developed criteria for determining which appointed positions in state and local government qualify as public offices under the state constitution. For an appointed position to constitute a public office, it must (1) be created by state law, (2) exercise the sovereign power of the state, and (3) involve significant discretionary authority. Many local government appointed boards either are not created by state law or are purely advisory in nature. Strictly speaking, the oath requirements in Article VI, Section 7, G.S. 11-7, and G.S. 11-11 likely do not apply to their members. (A separate law directs appointees to zoning-related advisory boards to take the constitutional oath anyway.) Nonetheless, because negative legal consequences can flow from a person's wrongful failure to take and subscribe the oath, Rule 8 errs on the side of having new and returning board members take and subscribe the oath.

Only certain officials may administer the oath of office. They include, among others, mayors, chairs of boards of county commissioners, city and county clerks, and notaries public. Deputy city and county clerks, if sworn, may administer the oath.

*Selection of Chair and Other Officers.* State law expressly vests some local government appointed boards with the power to select their presiding officers. It obliges city and county governing bodies or other officials to appoint the presiding officers of a few appointed boards, though in some cases that authority extends only to the appointment of the board's first presiding officer. Where state law is silent, the city council or board of county commissioners is free to decide the method for selecting board chairs. Otherwise a local government appointed board may determine how and when its chair will be chosen.

It is usually a good idea to have a vice chair whose job is to run meetings in the chair's absence. For some appointed boards, the appointment of a vice chair is required by statute.

State law requires some local government appointed boards to select additional officers. For example, in addition to having a chair and vice chair, a public transportation authority must have a secretary, who may or may not be a member of the authority.

## **Part V. Types of Meetings**

### **Rule 9. Regular Meetings**

(a) Regular Meeting Schedule. The board [may][shall] annually adopt a regular-meeting schedule showing the time(s) and place(s) of its regular meetings for the year.

(b) Notice of Regular Meeting Schedule. The board shall ensure that a copy of its current regular meeting schedule, complete with the time and place of each regular meeting, is filed with [the clerk to the board of county commissioners] [the city clerk] [the board's clerk or secretary] and posted on the board's website, if there is one.

*Filed Notice.* If a local government board belongs to a county government, its regular meeting schedule must be filed with the clerk to the board of county commissioners. If the board belongs to a city government, its regular meeting schedule must be filed with the city clerk. If the board belongs to neither kind of government, its regular meeting schedule must be filed with the board's own clerk or secretary or, if the board has no clerk or secretary, with the clerk to the board of county commissioners in the county where the board normally meets.

*Online Notice.* If a public body has a website, it must ensure that its regular-meeting schedule is posted there.

(c) Change to Regular Meeting Schedule. The board may revise its regular-meeting schedule to change the time or place of a particular regular meeting or all regular meetings within a specified period. The board shall ensure that the revised regular meeting schedule is filed with the [the clerk to the board of county commissioners] [the city clerk] [the board's clerk or secretary] at least seven calendar days before the first meeting held pursuant to the revised schedule. The board shall also have the revised schedule posted on the board's website, if there is one.

### **Rule 10. Special Meetings**

(a) Calling Special Meetings. The chair [or a majority of the members] may call a special meeting of the board. Alternatively, a special meeting may be called by vote of the board in open session during a regular meeting or another duly called special meeting.

(b) Notice to the Public. At least forty-eight hours before a special meeting, the board shall cause written notice of the meeting's date, time, place, and purpose(s) to be (1) posted on the board's principal bulletin board or, if the board has no such bulletin board, at the door of the board's usual meeting room and (2) delivered, emailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with [the board's clerk] [the board's secretary] [a person designated by the board]. If the board has a website maintained by one or more of its employees, the board shall also have the notice posted there prior to the special meeting.

(c) Notice to Members. If the chair [or a majority of the members] called the special meeting, [the chair] [whoever called the meeting] shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to the other members at least forty-eight hours before the meeting. If the special meeting was called at another duly held meeting of the board, and one or more members were absent, the chair shall ensure that notice of the meeting's date, time, place, and purpose(s) is mailed, emailed, or delivered to any absent member(s) a minimum of forty-eight hours in advance of the special meeting.

### **Rule 11. Emergency Meetings**

(a) Calling Emergency Meetings. The chair [or a majority of the members] may call an emergency meeting of the board, but only when necessary to address generally unexpected circumstances that demand the board's immediate attention.

(b) Notice of Emergency Meetings. Reasonable steps shall be taken by the chair [or the members who called the meeting] to notify other board members of an emergency meeting. Additionally, notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed with [the board's clerk] [the board's secretary] [a person designated by the board] a written request to be notified of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, email, or the same method used to notify board members. Notice shall be provided immediately after members have been notified and at the expense of the media organization notified.

(c) Transaction of Other Business Prohibited. Only business connected with the emergency may be considered at an emergency meeting.

## **Rule 12. Recessed Meetings**

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted in open session, as provided in Rule 25 (Motion 3). The motion shall state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will resume.

(b) Notice of Recessed Meetings. If the board's website is maintained by one or more board employees, notice of the recessed meeting's date, time, and place shall appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.

## **Part VI. Agenda**

### **Rule 13. Agenda**

(a) Draft Agenda.

- (1) *Preparation.* The board's [clerk] [secretary] [chief administrative officer] shall prepare a draft agenda for each meeting of the board.
- (2) *Requesting placement of items on draft agenda.* Members may, by timely request, have items placed on the draft agenda for any regular meeting. Members shall submit their requests to the board's [clerk] [secretary] [chief administrative officer] at least [two] working days before the meeting date.
- (3) *Supplemental information/materials.* A copy of all draft orders, policies, regulations, or resolutions shall be attached to the draft agenda. [The board's [clerk] [secretary] [chief administrative officer] shall prepare an agenda packet that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to reproduce.]
- (4) *Delivery to board members.* Each member shall receive a copy of the draft agenda [and the agenda packet]. [Except in the case of an emergency meeting, the draft agenda [and the agenda packet] shall be provided to each member at least [twenty-four hours] before the meeting.]
- (5) *Public inspection.* The draft agenda [and agenda packet, except for materials not subject to inspection or copying under the public records law,] shall be available to the public when [it is][they are] ready to be circulated to members.

(b) Adoption of the Agenda

- (1) *Adoption.* As its first order of business at each meeting, the board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt the agenda for the meeting.

(2) *Amending the agenda.* Both before and after it adopts the agenda, the board may add or subtract agenda items by majority vote of the members present and voting, except when the board's consideration of new agenda items would violate state law or these rules.

(3) *Designation of items "For Discussion and Possible Action."* The board may designate an agenda item "For Discussion and Possible Action." The designation signifies that the board intends to discuss the item and may, if it so chooses, take action on the item following the discussion.

(c) Consent Agenda. The board may designate part of an agenda for a regular meeting as the consent agenda. The person(s) charged with preparing the draft agenda may place routine or non-controversial items on the consent agenda. Prior to approving the meeting agenda, the board must honor any member's request to move an item from the consent agenda to new or unfinished business. The board may approve all items on the consent agenda through the adoption of a single motion to that effect, but the minutes shall list each item so approved.

(d) Informal Discussion of Agenda Items. The board may informally discuss an agenda item even when no motion regarding that item is pending.

#### **Rule 14. Acting by Reference to Agenda or Other Document**

The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document unless copies of the agenda or document are available for public inspection at the meeting and so worded that persons in attendance can understand what is being deliberated or acted upon.

#### **Rule 15. Agenda Items from Members of the Public**

If a member of the public wishes to request that the board include an item on its regular-meeting agenda, the individual shall submit the request in writing to the board's [clerk] [secretary] [chief administrative officer] at least [two] working days before the meeting date. The board is not obligated to place an item on the agenda merely because such a request has been received.

#### **Rule 16. Order of Business**

Items shall be placed on a regular-meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- adoption of the agenda,
- approval of the consent agenda,
- approval of the previous meeting minutes,
- public hearings,
- public comment,
- administrative reports,
- committee reports,
- unfinished business, and
- new business.

Without objection, the chair may call agenda items in any order most convenient for the dispatch of business.

### **Part VII. Role of the Presiding Officer**

## **Rule 17. The Chair**

(a) Presiding Officer. The chair shall preside at meetings of the board.

(b) Voting by the Chair. [The chair has the same duty to vote as other members, though in no event may the chair break a tie on a motion on which he or she has already voted.] [The chair may vote only in the event of a tie.]

(c) Recognition of Members. A member must be recognized by the chair (or other presiding officer) in order to address the board, but recognition is not necessary for an appeal pursuant to Rule 25 (Motion 1).

(d) Powers as Presiding Officer. As presiding officer, the chair is to enforce these rules and maintain order and decorum during board meetings. To that end, the chair may

- (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
- (3) entertain and answer questions of parliamentary procedure;
- (4) call a brief recess at any time; and
- (5) adjourn in an emergency.

(e) Appeals of Procedural Rulings. A member may appeal a decision made or an answer given by the chair under subparagraph (d)(1), (2), or (3) of this rule in accordance with Rule 25 (Motion 1).

## **Rule 18. Presiding Officer in the Chair's Absence**

If the chair is absent, [the vice chair][another member designated by vote of the board] shall preside. [If both the chair and vice chair are absent, the board shall designate one of the members present to serve as temporary presiding officer.] Any member who presides in place of the chair has the powers listed in Rule 17(d). Service as presiding officer does not relieve a member of the [right to vote] [duty to vote on all questions except as excused from voting under Rule 29].

## **Rule 19. When the Presiding Officer Is Active in Debate**

If the chair or other presiding officer becomes active in the debate on a matter, he or she [may][shall] designate another member to preside over the debate.

## **Part VIII. Motions and Voting**

### **Rule 20. Action by the Board**

Except as otherwise provided in Rules 28, 30, and 33, the board shall act by motion. Any member [other than the chair] may make a motion.

### **Rule 21. Second Not Required**

No second is required on any motion.

### **Rule 22. One Motion at a Time**

A member may make only one motion at a time.

### **Rule 23. Withdrawal of Motion**



The member who introduces a motion may withdraw the motion unless the motion has been amended or put to a vote.

### **Rule 24. Substantive (or Main) Motions**

A substantive motion is not in order when any other motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting unless it first adopts a motion to reconsider pursuant to Rule 25 (Motion 13).

### **Rule 25. Procedural Motions**

(a) Certain Motions Allowed. The board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 11 and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 8.

When several procedural motions are pending, voting shall begin with the procedural motion highest in priority, except that a motion to amend or end debate on the highest-priority motion shall be voted on first.

**Motion 1. To Appeal a Ruling of the Presiding Officer.** Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be used to close a meeting. It is not in order if the board is in closed session.

**Motion 3. To Recess to a Time and Place Certain.** This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the board is in closed session.

**Motion 4. To Take a Brief Recess.**

**Motion 5. To Follow the Agenda.** This motion must be made at the time an item of business that deviates from the agenda is considered; otherwise, the motion is out of order as to that item.

**Motion 6. To Suspend the Rules.** To be adopted, a motion to suspend the rules must receive affirmative votes equal to two-thirds of the board's actual membership, excluding any vacant seats. The board may not suspend provisions in these rules that restate state law requirements.

**Motion 7. To Defer Consideration.** The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 12 within [100] days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

**Motion 8. To End Debate (Call the Previous Question).** If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

**Motion 9. To Postpone to a Certain Time.** This motion may be employed to delay the board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

**Motion 10. To Refer a Motion to a Committee.** The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within [sixty] days of the referral date, the board shall take up the motion if asked to do so by the member who introduced it.

#### **Motion 11. To Amend**

- (a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.
- (b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

**Motion 12. To Revive Consideration.** The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 7, provided it does so within [100] days of its vote to defer consideration.

**Motion 13. To Reconsider.** The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (1) at the same meeting during which the action to be reconsidered took place and (2) by a member who voted with the prevailing side. For purposes of this motion, "the same meeting" includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the board's deliberation on a pending matter.

**Motion 14. To Rescind.** The board may vote to rescind an action taken at a prior meeting, provided rescission is not forbidden by law.

**Motion 15. To Prevent Reintroduction for [Six] Months.** This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion's defeat. To be adopted, this motion must receive affirmative votes equal to at least two-thirds of the board's total membership, excluding vacant seats. If this motion is adopted, the ban on reintroduction remains in effect for [six] months or until the board's next organizational meeting, whichever occurs first.

### **Rule 26. Debate**

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, debate shall alternate between proponents and opponents of the measure.
- [No member may speak more than twice on the same substantive motion. A member's first speech on a substantive motion shall be limited to [ten] minutes, and any second speech on the same motion

shall be limited to [five] minutes. The same rules apply to debate on a procedural motion, except that a member's first speech shall not exceed [five] minutes, and any second speech shall be limited to [two] minutes.]

### **Rule 27. Adoption by Majority Vote**

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

### **Rule 28. Changing a Vote**

A member may change the member's vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change a vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

### **Rule 29. Duty to Vote**

[Members may abstain from voting by so indicating when the vote is taken.] [Every member shall vote unless excused by the remaining members of the board. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members on whether to grant the request. The board may not excuse a member except in cases involving (1) a conflict of interest as defined by law or the board or (2) the member's official conduct or own financial interest.] [The unexcused failure to vote by a member who is physically present in the meeting room, or who has withdrawn without being excused by majority vote of the remaining members present, shall be recorded as [an affirmative vote] [a negative vote]].

### **Rule 30. Voting by Written Ballot**

(a) Secret Ballots Prohibited. The board shall not vote by secret ballot.

(b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member shall sign his or her ballot, and the minutes shall record how each member voted by name. The ballots shall be made available for public inspection in the office of the [clerk][secretary] to the board immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

## **Part IX. Public Hearings**

### **Rule 31. Public Hearings**

(a) Calling Public Hearings. The board may hold public hearings to solicit the public's input on specific issues. The board may schedule its public hearings or delegate that responsibility to staff members, as appropriate.

(b) Public Hearing Locations. The board may hold public hearings anywhere within the area served by the board.

(c) Notice of Public Hearings. Any public hearing attended by a majority of members shall be considered part of a regular or special meeting of the board. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. If a hearing's subject

matter triggers additional notice requirements under state law or local rules, the board shall see that they are also satisfied.

(d) Rules for Public Hearings. The board may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker;
- provide for the designation of spokespersons for groups supporting or opposing the same positions;
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the meeting room to listen to the hearing); and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(e) Continuing Public Hearings. The board may continue any public hearing without further advertisement, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g) of this rule, if a quorum of the board is not present for a properly scheduled public hearing, the hearing shall be continued until the board's next regular meeting without further advertisement.

(f) Conduct of Public Hearings. At the time appointed for the hearing, the chair shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the board for the hearing. Unless the board votes to extend the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not already done so, the chair shall declare the hearing closed, and the board shall resume the regular order of business.

(g) Public Hearings by Less Than a Majority of Board Members. Unless inconsistent with state law or local rules, the board may appoint a member or members to hold a public hearing on its behalf. The notice provisions in paragraph (c) of this rule apply when the board appoints more than one member to conduct such a hearing.

(h) Public Comment. The board may hold a public comment period at any regular meeting or special meeting called, at least in part, for that purpose. During the public comment period, members of the public may speak on any matters within the board's real or apparent jurisdiction. The provisions in paragraphs (d) and (f) of this rule apply to the board's public comment periods.

## **Part X. Committees and Appointments**

### **Rule 32. Committees**

(a) Authority to Establish. [The board][The chair] may establish standing or temporary committees to help the board carry out its work. Rule 33(b) governs appointments to all such committees.

(b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of a committee's members gather in person or simultaneously by electronic means to discuss or otherwise conduct committee business.

### **Rule 33. Appointments to Public Bodies**

(a) Appointments in Open Session. To the extent that it appoints its own members or the members of other public bodies, the board shall consider and make appointments in open session.

- (b) Committee Appointments. [The board][The chair] shall make appointments to any committees established under Rule 32. When a committee is to include non-board members selected by the board, the board will appoint such persons in open session using the procedures described below.
- (c) Appointment by Unanimous Consent. When there is only one nominee, the chair may ask the board to approve the nominee's appointment by unanimous consent. If any member objects, the board shall vote on the nomination in accordance with paragraph (d) or (e) of this rule, whichever applies.
- (d) Nomination and Voting Procedure. The board shall use the following procedure in making appointments. [The nominating committee shall be called upon to make its report and recommendation(s), if any.] The chair shall [then] open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the chair shall call the roll of the members, and each member shall cast a vote for the member's preferred nominee. Voting shall continue until a nominee receives a majority of votes cast during a single balloting.
- (e) Multiple Appointments. If the board is making more than one appointment to a body, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same position during a single balloting.
- (f) Vote by Written Ballot. The board may vote on proposed appointments by written ballot in accordance with Rule 30.

## **Part XI. Miscellaneous**

### **Rule 34. Amendment of the Rules**

The board may vote to amend these rules at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must not violate any relevant statutes or generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members [and submitted to the [city council] [board of county commissioners] for approval].

### **Rule 35. Reference to *Robert's Rules of Order Newly Revised***

The board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the presiding officer shall make a ruling on the issue subject to appeal to the board under Rule 25 (Motion 1).

### **Rule 36. Special Rules of Procedure**

*The board may adopt its own special rules of procedure, to be specified here.*